



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TOWAKI KOMATSU	:	20-CV-10942 (VEC) (RWL)
	:	
Plaintiff,	:	
	:	
- against -	:	<b>ORDER</b>
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
-----X	:	

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

On December 17, 2021, Defendants requested an order to compel Plaintiff to provide properly executed medical releases allowing Defendants to obtain Plaintiff's medical records, including mental health records, from St. Barnabas Hospital following the incident alleged in the Complaint. (Dkt. 207.) Plaintiff opposes. (Dkt. 220.) Defendants' application is GRANTED. The Complaint alleges excessive force and physical harm for which Plaintiff received treatment at St. Barnabas. (Compl. 48.) The Complaint also alleges that the police took Plaintiff in custody under the allegedly fraudulent pretext that he was an emotionally disturbed person. (Compl. 28.) Plaintiff has thereby put his mental health status directly at issue. Accordingly, no later than January 13, 2022, Plaintiff shall provide defense counsel with a fully executed HIPAA release form for all medical records from St. Barnabas Hospital from the day of the incident at issue and thereafter. Failure to comply with this Order may result in dismissal with prejudice for failure to prosecute and/or failure to comply with Court orders and discovery obligations.

Plaintiff's opposition (Dkt. 220) also once again addresses the issue of extension of time. As the Court has repeatedly informed Plaintiff, the Court will consider good faith

requests concerning specific deadlines and following compliance with the requirement to meet and confer. No such request is pending.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: January 6, 2022  
New York, New York

Copies transmitted this date to all counsel of record. The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff.